

EXTRADITION

Convention signed at Washington March 21, 1860

Senate advice and consent to ratification June 26, 1860

Ratified by Sweden and Norway October 20, 1860

Ratified by the President of the United States December 14, 1860

Ratifications exchanged at Washington December 20, 1860

Proclaimed by the President of the United States December 21, 1860

Entered into force December 31, 1860

Terminated, as to Sweden, April 17, 1893;¹ as to Norway, December 8, 1893²

12 Stat. 1125; Treaty Series 349³

CONVENTION FOR THE SURRENDER OF CRIMINALS, FUGITIVES FROM JUSTICE, IN CERTAIN CASES, CONCLUDED BETWEEN THE UNITED STATES AND HIS MAJESTY THE KING OF SWEDEN AND NORWAY

Whereas it is found expedient, for the better administration of justice and the prevention of crime within the territories and jurisdiction of the parties, respectively, that persons committing certain crimes, being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; and also to enumerate such crimes explicitly; the United States of America on the one part, and his Majesty the King of Sweden and Norway on the other part, having resolved to treat on this subject, have for that purpose appointed their respective plenipotentiaries to negotiate and conclude a convention, that is to say: The President of the United States of America, Lewis Cass, Secretary of State of the United States, and his Majesty the King of Sweden and Norway, Baron Nicholas William de Wetterstedt, Knight of the Order of the Polar Star and of St. Olaff, Commander of the Order of Dannebrog of Denmark, his said Majesty's minister resident near the Government of the United States, who, after reciprocal communication of their respective powers, have agreed to and signed the following articles:

¹ Terminated as between the United States and Sweden Apr. 17, 1893, by treaty of Jan. 14, 1893 (TS 351, *ante*, p. 723, SWEDEN), except as to crimes herein enumerated and committed prior to that day.

² Terminated by treaty of June 7, 1893 (TS 262, *ante*, vol. 10, p. 445, NORWAY), except as to crimes therein enumerated and committed prior to that day.

³ For a detailed study of this convention, see 8 Miller 459.

ARTICLE I

It is agreed that the high contracting parties shall, upon mutual requisitions by them, their diplomatic or consular agents, respectively made, deliver up to justice all persons who, being charged with or condemned for any of the crimes enumerated in the following article, committed within the jurisdiction of either party, shall seek an asylum or shall be found within the territories of the other: *Provided*, That this surrender and delivery shall not be obligatory on either of the high contracting parties except upon presentation by the other, in original or in verified copy, of the judicial declaration or sentence establishing the culpability of the fugitive, and issued by the proper authority of the government who claims the surrender, in case such sentence or declaration shall have been pronounced: said document to be drawn up and certified according to the forms prescribed by the laws of the country making the demand. But if such sentence or declaration shall not have been pronounced, then the surrender may be demanded and shall be made, when the demanding party shall have furnished such proof of culpability as would have been sufficient to justify the apprehension and commitment for trial of the accused, if the offence had been committed in the country where he shall have taken refuge.

ARTICLE II

Persons shall be so delivered up who shall have been charged with or sentenced for any of the following crimes, to wit: Murder, (including assassination, parricide, infanticide and poisoning) or attempt to commit murder; rape; piracy, (including mutiny on board a ship, whenever the crew or part thereof by fraud or violence against the commander have taken possession of the vessel); arson; robbery and burglary; forgery, and the fabrication or circulation of counterfeit money, whether coin or paper money; embezzlement by public officers, including appropriation of public funds.

ARTICLE III

The expenses of any detention and delivery, effected in virtue of the preceding provisions, shall be borne and defrayed by the party who makes the requisition and receives the fugitive.

ARTICLE IV

Neither of the contracting parties shall be bound to deliver up, under the stipulations of this convention, any person who, according to the laws of the country where he shall be found, is a citizen or a subject of the same at the time his surrender is demanded.

ARTICLE V

The provisions of the present convention shall not be applied to any crime or offence of a political character.

ARTICLE VI

Whenever any person, accused of any of the crimes enumerated in this convention, shall have committed a new crime in the territories of the State where he has sought an asylum or shall be found, such person shall not be delivered up under the stipulations of this convention, until he shall have been tried, and shall have received the punishment due to such new crime, or shall have been acquitted thereof.

ARTICLE VII

This convention shall not take effect until ten days after its publication, made according to the laws of the respective governments.

It shall remain in force until the end of six months after either of the high contracting parties shall have given notice to the other of its intention to terminate the same.

It shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by his Majesty the King of Sweden and Norway, and the ratifications shall be exchanged within ten months from the date of its signature, or earlier, if possible.

In faith whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate, at Washington, the twenty-first day of March, one thousand eight hundred and sixty, and the eighty-fourth year of the independence of the United States:

LEWIS CASS	[SEAL]
N. W. DE WETTERSTEDT	[SEAL]